

## **REMARKS**

Claims 1-68 are pending. No claims are currently amended.

### **Claim Rejections Under 35 U.S.C. §102 and 35 U.S.C. §103**

Claims 1-14, 16-29, 31-42, 44-68 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Pub. No. 2003/0216174 to Gauselmann ("Gauselmann").

Claims 15, 30 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gauselmann as applied to claims 1-14, 16-29, 31-42, 44-68 above, and further in view of U.S. Patent Pub. No. 2005/0054438 to Rothschild et al. ("Rothschild").

Gauselman was filed on March 14, 2003 (as a CIP of an application filed on May 14, 2002) and published on November 20, 2003.

As seen in the accompanying affidavit under 37 C.F.R. § 1.131 of Mr. Chauncey Griswold, the subject matter of the present application was conceived and diligently reduced to practice before the effective date of Gauselman, including the parent application to which Gauselman claims priority as a continuation in part.

Therefore Gauselman cannot properly serve as the basis of a rejection under either §102 or §103. Similarly, Rothschild cannot properly serve as the basis of a rejection under either §102 or §103.

### **Information Disclosure Statement**

A Supplemental Information Disclosure Statement is being filed herewith. It is respectfully requested that this Supplemental Information Disclosure Statement be considered and the PTO Form 1449 be initialed and returned with the next Action.

## **CONCLUSION**

I       Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned at 510-663-1100 would be appreciated.

Respectfully submitted,  
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